

1984 S.C. Op. Atty. Gen. 187 (S.C.A.G.), 1984 S.C. Op. Atty. Gen. No. 84-73, 1984 WL 159880

Office of the Attorney General

State of South Carolina

Opinion No. 84-73

June 22, 1984

*1 The Honorable Richard W. Riley
Governor of South Carolina
State House
Post Office Box 11450
Columbia, South Carolina 29211

Dear Governor Riley:

You have asked whether the Governor may call a special session when the General Assembly has adjourned, but has not yet adjourned sine die. It is our opinion that the Governor possesses such power.

[Article IV, § 19 of the Constitution of South Carolina](#) provides in pertinent part:

The Governor may on extraordinary occasions convene the General Assembly in extra session.

Based upon such authority, it is recognized that ‘the governor has power to call a special session, though the legislature, not having adjourned sine die, is still in general session.’ 72 Am.Jur.2d States, § 59. The Wisconsin Supreme Court has held with respect to a constitutional provision authorizing the Governor to call special sessions that:

The constitution does not limit the power of the governor to call special sessions only when the legislature is not in session. The purpose of a special session is to accomplish a special purpose for which it is convened. To deny the governor the power to call a special session while the legislature is in general session would in effect deny the governor the right to call the legislature into session to give priority consideration to those items he claims are of immediate statewide concern.

[State ex rel. Groppi v. Leslie, 44 Wis. 282, 171 N.E.2d 192, 200 \(1960\)](#). And it has been held that ‘extra’ sessions are virtually synonymous with ‘special’ sessions. 81A C.J.S. States, § 49. In other words, ‘the governor may convene the legislature into a special session during the recess of a regular term.’ 81 A C.J.S. States, § 49.

Moreover, it is generally recognized that

If, in authorizing the governor to convene the general assembly on extraordinary occasions, the Constitution does not define what shall be deemed an extraordinary occasion for this purpose or refer the settlement of that question to any other department or power of the government, the governor alone is the judge, and although he errs, the courts have no jurisdiction to review his decision or correct his error.

72 Am.Jur.2d, States, § 59.

Thus, it is our opinion that the Governor may, pursuant to [Article IV, § 19](#) convene the General Assembly into extra session and his decision to do so is within his discretion conclusive and not reviewable.

With kindest personal regards, I remain
Very truly yours,

T. Travis Medlock
Attorney General

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